

AMENDMENT***In the Claims:***

As discussed in the Remarks section, claims 1-13, 18-19 and new claims 20-22 have been elected in response to the Restriction Requirement included in the Office Action. As such, claims 14-17 are withdrawn, without traverse. Please cancel claims 2, 13, 18 and 19. New claims 20-22 have been added. This listing of the claims replaces all prior versions, and listings, of the claims in the application. The status of each claim is indicated. Currently amended claims are shown with additions underlined and deletions in ~~strike through text~~. No new matter is added by this amendment.

1. (Currently Amended) An aquatic toy that is capable of maintaining a desired form and position in water, comprising:

a fabric portion reconfigurable between a closed position in which it is collapsible and an open position in which it is substantially planar;

at least one ~~hollow~~ opening formed in the fabric portion;

at least one buoyancy member positioned at a selected location on the fabric portion; and

at least one weight positioned at a selected location on the fabric portion, the at least one buoyancy member and the at least one weight positioned such that the fabric portion extends into the open position when submerged in water.

2. (Canceled)

3. (Currently Amended) The aquatic toy of claim 1, wherein the fabric portion comprises at least one of a woven fabric, a sheet fabric, a film, nylon, spandex, vinyl, Polyvinyl Chloride, and neoprene, ~~or an equivalent.~~

4. (Original) The aquatic toy of claim 1, wherein the fabric portion comprises multiple materials.

5. (Original) The aquatic toy of claim 1, wherein at least a portion of the fabric portion has a relatively negative buoyancy, such that the fabric portion provides at least some negative buoyancy to at least a portion of the aquatic toy.

6. (Currently Amended) The aquatic toy of claim 1, wherein at least a portion of the fabric portion has a relatively neutral buoyancy, such that the fabric portion ~~does not~~ provides ~~any~~ substantially negative or positive neutral buoyancy to at least a portion of the aquatic toy.

7. (Original) The aquatic toy of claim 1, wherein at least a portion of the fabric portion has a relatively positive buoyancy, such that the fabric portion provides at least some positive buoyancy to at least a portion of the aquatic toy.

8. (Currently Amended) The aquatic toy of claim 1, wherein ~~the shape a general overall geometry~~ of the hollow opening is ~~that of a one of a substantially square shape, a rectangular shape, a pentagonal shape, a circular shape, an oval shape, an elliptical shape, and a star shape, or other shape.~~ that of a one of a substantially square shape, a rectangular shape, a pentagonal shape, a circular shape, an oval shape, an elliptical shape, and a star shape, or other shape.

9. (Currently Amended) The aquatic toy of claim 1, wherein ~~the aquatic toy includes at least one buoyancy element, wherein~~ the at least one buoyancy ~~member~~ element is placed such that a ~~selected particular region or~~ portion of the aquatic toy is buoyant ~~has a determined relatively buoyancy.~~

10. (Currently Amended) The aquatic toy of claim 19, wherein the at least one buoyancy ~~member~~ element ~~comprises is~~ at least one of foam, Styrofoam® or any other a multicellular expanded synthetic resin, cork, an inflated or inflatable pocket or bladder, plastic, rubber, and wood, ~~or an equivalent, or any other known or later developed~~

~~material or system capable of providing a determined level of relatively buoyancy to the aquatic toy.~~

11. (Currently Amended) The aquatic toy of claim 1, wherein ~~the aquatic toy includes at least one weight element, wherein the at least one weight element is placed~~ such that a selected particular region or portion of the aquatic toy sinks when submerged in water, ~~has a determined relatively weight.~~

12. (Currently Amended) The aquatic toy of claim ~~11~~, wherein the at least one weight ~~element comprises~~ is at least one of metal, a weighted or weightable pocket or bladder, plastic, rubber, and wood, ~~or an equivalent, or any other known or later developed material or system capable of providing a determined level of relatively weight to the aquatic toy.~~

13. (Canceled)

14 (Withdrawn) The aquatic toy of claim 1, wherein the aquatic toy further comprises at least one additional fabric portion.

15 (Withdrawn) The aquatic toy of claim 14, wherein the additional fabric portion extends substantially downward from an upper portion of the hollow opening.

16 (Withdrawn) The aquatic toy of claim 14, wherein the additional fabric portion extends substantially upward from a lower portion of the hollow opening.

17 (Withdrawn) The aquatic toy of claim 14, wherein the additional fabric portion is weighted and/or buoyed.

18-19. (Canceled)

20. (New) The aquatic toy of claim 1, wherein the opening is sized such that an average adolescent can swim through the opening.

21. (New) An apparatus, comprising:

a substantially planar fabric portion including an interior portion defining an opening and an exterior portion extending outwardly from the opening, the exterior portion including an unconstrained peripheral edge of the fabric portion;

at least one buoyancy member coupled to the exterior portion of the fabric such that a selected portion of the aquatic toy is buoyant; and

at least one weight coupled to the exterior portion of the fabric portion such that a selected portion of the aquatic toy will sink when submerged in water.

22. (New) An apparatus, comprising:

a fabric portion including an interior portion defining an opening and an exterior portion extending outwardly from the opening, the exterior portion including an unconstrained peripheral edge of the fabric portion;

at least one buoyancy member coupled to the exterior portion of the fabric portion; and

at least one weight coupled to the exterior portion of the fabric portion, the fabric portion reconfigurable between a closed position in which the exterior portion is configured to be collapsed or folded and an open position in which the fabric portion is configured to extend into a substantially planar orientation when submerged in water.